

COPY

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UNITED STATES DISTRICT COURT  
 CENTRAL DISTRICT OF CALIFORNIA

COLONY CAPITAL, LLC, a Delaware limited liability company, and COLONY INVESTORS IV, L.P., a Delaware limited partnership,

PLAINTIFF(S)

v.

THE NATIONAL RETIREMENT FUND, and DOES 1 through 10, inclusive,

DEFENDANT(S).

CASE NUMBER

CV11 07235

R (AGRx)

SUMMONS

TO: DEFENDANT(S): THE NATIONAL RETIREMENT FUND, and Does 1 through 10, inclusive

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Daniel M. Petrocelli, Matthew T. Kline and David J. Marroso, whose address is O'Melveny & Myers, LLP, 1999 Avenue of the Stars, 7<sup>th</sup> Floor, Los Angeles, CA 90067-6035. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: \_\_\_\_\_

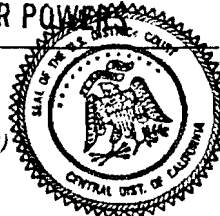
SEP - 1 2011

By: \_\_\_\_\_

CHRISTOPHER POWER

Deputy Clerk

(Seal of the Court)



1181

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

AO 440 (Rev. 12/09) Summons in a Civil Action (Page 2)

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* The National Retirement Fund  
was received by me on *(date)* 09/01/2011.

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
on *(date)* \_\_\_\_\_; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☒ I served the summons on *(name of individual)* DAVID SAPP, who is  
designated by law to accept service of process on behalf of *(name of organization)* The National Retirement Fund  
on *(date)* September 1, 2011; or

☐ I returned the summons unexecuted because \_\_\_\_\_; or

☐ Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: 09/06/2011

  
\_\_\_\_\_  
*Server's signature*

Wendy Resnick  
\_\_\_\_\_  
*Printed name and title*

401 Broadway, Suite 1201  
New York, NY 10013

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc: